

Forty-ninth Legislature
First Regular Session

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2088

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 41-511.23, Arizona Revised Statutes, is
4 amended to read:

5 41-511.23. Conservation acquisition board; land conservation
6 fund; conservation donation and public
7 conservation accounts; livestock and crop
8 conservation fund

9 A. The conservation acquisition board is established, as an advisory
10 body to the Arizona state parks board, consisting of the following members
11 who are appointed by the governor, at least one of whom shall be experienced
12 in soliciting money from private sources:

- 13 1. One state land lessee.
- 14 2. One member who is qualified by experience in managing large
15 holdings of private land for income production or conservation purposes.
- 16 3. One member of the state bar of Arizona who is experienced in the
17 practice of private real estate law.

18 4. One real estate appraiser who is licensed or certified under title
19 32, chapter 36.

- 20 5. One member who is qualified by experience in marketing real estate.
- 21 6. One representative of a conservation organization.
- 22 7. One representative of a state public educational institution.

23 B. The governor shall designate a presiding member of the board. The
24 term of office is five years except that initial members shall assign
25 themselves by lot to terms of one, two, three, two members for four and two
26 members for five years in office.

27 C. The conservation acquisition board shall:

- 28 1. Solicit donations to the conservation donation account.

1 2. Consult with entities such as private land trusts, state land
2 lessees, the state land department, the Arizona state parks board and others
3 to identify conservation areas that are reclassified pursuant to section
4 37-312 and that are suitable for funding.

5 3. Recommend to the Arizona state parks board appropriate grants from
6 the land conservation fund.

7 D. The land conservation fund is established consisting of the
8 following accounts:

9 1. The conservation donation account consisting of monies received as
10 donations. Donations to the account are subject to any lawful conditions the
11 donor may prescribe, including any conditions on the use of the money or
12 reversion to the donor. Monies in the account are exempt from the provisions
13 of section 35-190 relating to lapsing of appropriations.

14 2. The public conservation account consisting of monies appropriated
15 to the account from the state general fund and monies from any other
16 designated source. In fiscal years 2000-2001 through ~~2010-2011~~ 2011-2012,
17 the sum of twenty million dollars is appropriated each fiscal year from the
18 state general fund to the public conservation account in the land
19 conservation fund for the purposes of this section. Monies in the account
20 are appropriated for the purposes of this section, and the Arizona state
21 parks board may spend monies in the account without further legislative
22 authorization. Each expenditure of monies from the public conservation
23 account for purposes listed under subsection G, paragraph 2 of this section
24 shall be matched by an equal expenditure of monies from the conservation
25 donation account or from other private or governmental sources.

26 E. If the legislature fails to appropriate monies to the public
27 conservation account in a fiscal year, and if there are no other monies in
28 the public conservation account, the Arizona state parks board may either
29 grant nothing from the fund in that year or, on recommendation by the
30 conservation acquisition board, may grant available monies in the
31 conservation donation account for purposes authorized in subsection G of this
32 section.

1 F. The monies in the fund are exempt from the provisions of section
2 35-190 relating to lapsing of appropriations.

3 G. Monies in the public conservation account, with matching monies
4 from the conservation donation account, are appropriated as follows:

5 1. A total of two million dollars each fiscal year to the livestock
6 and crop conservation fund. The fund is established for the purposes of this
7 paragraph. Monies in the fund are continuously appropriated to the Arizona
8 department of agriculture for the exclusive purpose of granting monies to
9 individual landowners and grazing and agricultural lessees of state or
10 federal land who contract with the Arizona department of agriculture to
11 implement conservation based management alternatives using livestock or crop
12 production practices, or reduce livestock or crop production, to provide
13 wildlife habitat or other public benefits that preserve open space and for
14 administrative expenses as provided by this paragraph. The department shall
15 administer the fund. On notice from the director of the department, the
16 state treasurer shall invest and divest monies in the fund as provided by
17 section 35-313, and monies earned from investment shall be credited to the
18 fund. Monies in the fund are exempt from the provisions of section 35-190
19 relating to lapsing of appropriations. For the purposes of granting monies
20 from the fund pursuant to this paragraph, the department:

21 (a) Shall develop guidelines and criteria for implementation of this
22 program that shall include requiring as part of the application a letter
23 describing the intended use for the grant money.

24 (b) Shall give priority to lessees of state or federal land who reduce
25 livestock production to provide public benefits such as wildlife species
26 conservation or wildlife habitat.

27 (c) Shall not grant more than fifty per cent of the monies in the fund
28 with respect to land in one county in any fiscal year.

29 (d) Is exempt from chapter 6 of this title with respect to adopting
30 rules, except that the department shall provide for public notice and sixty
31 days for public comment on the annual grant guidelines and criteria,
32 including public hearings.

(e) Shall award all grants pursuant to chapter 24, article 1 of this title.

(f) Shall require each grantee to submit to the department, within twelve months after receiving the grant, a written report detailing how grant monies were used to achieve the project described in the letter submitted as part of the application. If the project is longer than one year, a written report shall be submitted to the department on an annual basis until the project is complete.

(g) May use not more than ten per cent of the monies appropriated to the fund in any fiscal year for the purposes of administering the program.

(h) Shall prepare a report of the disposition of monies appropriated to the fund each fiscal year and provide a copy of the report to the governor, to the Arizona state parks board and to any person who requests a copy.

2. The remainder of the monies to the Arizona state parks board for the exclusive purpose of granting monies to the state or any of its political subdivisions, or to a nonprofit organization that is exempt from federal income taxation under section 501(c) of the internal revenue code and that has the purpose of preserving open space, for the following purposes only:

(a) To purchase or lease state trust lands that are classified as suitable for conservation purposes pursuant to title 37, chapter 2, article 4.2. A grant of money under this subdivision to a nonprofit organization is conditioned on the organization providing reasonable public access to any land that is wholly or partly purchased with that money. The organization shall agree with the Arizona state parks board that it will impose a restrictive covenant, running with the title to the land, granting such access and providing for reversion to this state of any interest in the property acquired with money granted under this subdivision on the failure to comply with the terms of the covenant. The Arizona state parks board and the state land commissioner have standing to either enforce the covenant or recover the amount of the grant from the current owner, with interest from the date the grant was awarded to the nonprofit organization.

1 (b) To purchase the development rights of state trust lands throughout
2 this state under the following conditions:

3 (i) The development rights shall be sold at public auction as provided
4 in section 37-258.01.

5 (ii) The lessee of the state trust land at the time the development
6 rights are purchased shall be notified of the purchase in writing.

7 (iii) The purchase of the development rights shall not result in
8 cancellation or modification of the current lease.

9 (iv) The purchase of the development rights shall not affect the
10 existing lessee's current economic use of the land and rights pursuant to
11 title 37, chapter 2, article 4.2.

12 (v) As a condition of the sale of the development rights, the
13 purchaser shall agree in perpetuity not to exercise the development rights
14 and that the land shall remain as open space.

15 (vi) The state trust land shall retain any other rights and attributes
16 as prescribed by law at the time of the purchase.

17 H. For the purposes of subsection G, paragraph 2 of this section:

18 1. The Arizona state parks board shall not grant more than fifty per
19 cent of the monies with respect to land in one county in any fiscal year.

20 2. A grant of money is valid for eighteen months and may be extended
21 one time for twelve additional months if a required public auction has not
22 been held.

23 3. The Arizona state parks board may adopt rules to establish
24 qualifications of nonprofit organizations for purposes of applying for and
25 receiving money granted.

26 4. The owner of property that is wholly or partly acquired with money
27 granted shall not restrict or unreasonably limit access to private lands.
28 Any sale of land with money granted shall include a condition requiring that
29 permanent access to private lands be allowed.

30 I. The Arizona state parks board shall administer the land
31 conservation fund. On notice from the board, the state treasurer shall
32 invest and divest monies in either account in the fund as provided by section

1 35-313, and monies earned from investments shall be credited to a separate
2 administration account to pay the board's expenses of administering the land
3 conservation and acquisition program under subsection G, paragraph 2 of this
4 section, which shall not exceed five per cent of the amount deposited in the
5 public conservation account in any fiscal year or five hundred thousand
6 dollars, whichever is less. Any unobligated amount remaining in the
7 administration account at the end of the fiscal year shall be credited to the
8 public conservation account for purposes of subsection D of this section.

9 J. Members of the conservation acquisition board may be reimbursed for
10 travel and lodging expenses and per diem subsistence allowances incurred
11 while on public business for the board. Reimbursement amounts shall not
12 exceed those allowed under title 38, chapter 4, article 2.

13 Sec. 2. Transfer of monies; land conservation fund

14 Subject to the requirements of article IV, part 1, section 1,
15 Constitution of Arizona, notwithstanding section 41-511.23, subsection D,
16 paragraph 2 and subsection G, paragraphs 1 and 2, Arizona Revised Statutes,
17 the following amounts are transferred from the fiscal year 2008-2009
18 appropriation for the public conservation account of the land conservation
19 fund to compensate for fiscal year 2008-2009 agency budget reductions and
20 reversions as follows:

21	1. Arizona geological survey	\$110,300
22	2. State land department	
23	Trust land management	\$625,000
24	Natural resource conservation districts	\$283,800
25	3. Arizona state parks board heritage fund	\$3,000,000
26	4. Arizona state parks board	
27	Lump sum reduction	\$846,300
28	Land conservation fund interest	\$1,568,800
29	State park fees	\$2,241,100
30	5. Department of water resources	
31	Lump sum suspension/reduction	\$1,785,800
32	Water banking fund	\$1,561,900

1	6.	Department of commerce	
2		Commerce workshops fund (growing smarter) (FRAT)	\$23,000
3	7.	State land department	
4		Community protection fund	\$940,200
5		Fire suppression	\$1,000,000
6	8.	Arizona state parks board	
7		State parks heritage fund	\$1,900,300
8		State parks enhancement fund (FRAT)	\$413,000
9	9.	Department of water resources	
10		Augmentation and conservation	
11		assistance fund (FRAT)	\$99,800

12 Sec. 3. Appropriation; land conservation fund

13 Subject to the requirements of article IV, part 1, section 1,
14 Constitution of Arizona, notwithstanding section 41-511.23, subsection D,
15 paragraph 2 and subsection G, paragraphs 1 and 2, Arizona Revised Statutes,
16 and in addition to any other appropriations the following amounts are
17 appropriated from the fiscal year 2008-2009 appropriation for the public
18 conservation account of the land conservation fund to compensate for fiscal
19 year 2008-2009 agency expenditure suspensions as follows:

20	1.	Department of commerce	
21		Commerce workshops fund (growing smarter) (EBT)	\$24,000
22	2.	Arizona game and fish department	
23		Wildlife restoration and enhancement (EBT)	\$145,000
24	3.	Arizona state parks board	
25		State parks enhancement fund (EBT)	\$3,077,000
26	4.	Department of water resources	
27		Augmentation and conservation assistance	
28		fund (EBT)	\$354,700

29 Sec. 4. Requirements for enactment; three-fourths vote

30 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
31 section 41-511.23, Arizona Revised Statutes, as amended by this act, and
32 sections 2 and 3 of this act, relating to transfer and appropriation of

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1 monies, are effective only on the affirmative vote of at least three-fourths
2 of the members of each house of the legislature.

3 Sec. 5. Emergency

4 This act is an emergency measure that is necessary to preserve the
5 public peace, health or safety and is operative immediately as provided by
6 law."

7 Amend title to conform

and, as so amended, it do pass

SAMUEL T. CRUMP, SR.
Chairman

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